REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 1-10 are amended, without prejudice. No new matter is added by these amendments.

The Examiner objected to the specification. Specifically, the Examiner indicated that the abstract of the disclosure is too long. The abstract has been amended herein to comply with the USPTO rules and guidelines. Applicants therefore respectfully request that the objection to the specification be withdrawn.

Claims 1, 4-6, 9 and 10 were rejected under 35 U.S.C. 102(b) allegedly as being anticipated by Kitagishi et al. (U.S. Patent No. 5,537,168). Applicants disagree.

Claim 1, recites in part, "A liquid crystal projector apparatus ...comprising...a temperature sensor for detecting a temperature **of each of said plurality of liquid crystal panels**..." (Underlining and Bold added for emphasis.)

It is respectfully submitted that the portions of Kitagishi relied upon by the Examiner do not teach at least the above-recited feature of claim 1.

Kitagishi relates to an optical projection apparatus, which includes a temperature sensor. However, the temperature sensor of Kitagishi detects the temperature of a projection lens (column 16, lines 35-40 and 49-53) and not the temperature of a plurality of liquid crystal panels, as instantly claimed. As a result, Kitagishi is extracting and processing temperature information of a different hardware component than the present invention. Therefore, the instant claims are believed to be distinguishable from Kitagishi for at least the reasons stated above.

For reasons similar to those described above, claim 6 is also believed to be distinguishable from Kitagishi.

Claims 4, 5, 9 and 10 depend from one of claims 1 and 6 and, due to such dependency, are also believed to be distinguishable over Kitagishi for at least the reasons previously described.

Applicants therefore respectfully request that the rejection of claims 1, 4-6, 9 and 10 under 35 U.S.C. §102(b) over Kitagishi be withdrawn.

Claims 2, 3, 7 and 8 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Kitagishi in view of Takahara (U.S. Patent No. 6,628,355 B1). Applicants disagree.

Claims 2, 3, 7 and 8 depend from one of claims 1 and 6 and, due to such dependency, are also believed to be distinguishable over Kitagishi for at least the reasons previously described. The Examiner did not rely on Takahara to overcome the above-identified deficiencies of Kitagishi. Therefore, claims 2, 3, 7 and 8 are believed to be distinguishable over the applied combination of Kitagishi and Takahara.

The Examiner is respectfully reminded that for the Section 103(a) rejection to be proper, both the suggestion and the expectation of success must be found in the prior art, and not in Applicants' own disclosure. In re Dow, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988). Indeed, hindsight based on Applicants' own success as disclosed and claimed in the present application, is not a justifiable basis on which to contend that the ultimate achievement of the present invention would have been obvious at the time the invention was made. In re Fine, 5 U.S.P.Q.2d 1596, 1599, 1600 (Fed. Cir. 1988).

Further, "obvious to try" is not the standard upon which an obviousness rejection should be based. Id. And as "obvious to try" would be the only standard that would lend the Section 103 rejections any viability, the rejections must fail as a matter of law. Therefore, applying the law to the instant facts, the rejection is fatally defective and should be removed.

Applicants therefore respectfully request that the rejection of claims 2, 3, 7 and 8 under 35 U.S.C. §103(a) be withdrawn.

The Examiner has apparently made of record, but not relied upon, a number of documents. The applicants appreciate the Examiner's explicit finding that these documents, whether considered alone or in combination with others, do not render the claims of the present application unpatentable.

In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference or references, there is the bases for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
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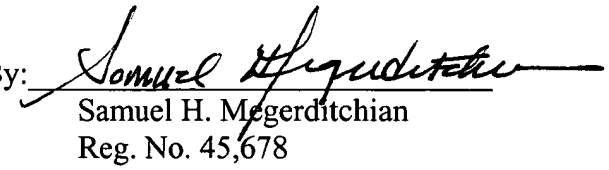
By: 

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